



Journal of the Senate

Number 3—Special Session C

Monday, July 21, 2003

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PROCLAMATION

State of Florida
 Executive Office of the Governor
 Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND
 THE FLORIDA HOUSE OF REPRESENTATIVES:

WHEREAS, on June 27, 2003, I called a Special Session commencing at 12:00 p.m. on Wednesday, July 9, 2003, and extending through 11:59 p.m. on Wednesday, July 16, 2003; and

WHEREAS, the purpose of this Special Session was to convene the Legislature for the sole and exclusive purpose of considering legislation relating to the recommendations of the Governor's Task Force on Healthcare Professional Liability Insurance, and issues related to medical liability reform; and

WHEREAS, it is in the best interest of the people of the State of Florida to extend this Special Session;

NOW, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

The length of the Special Session originally called for July 9, 2003 is extended until 7:00 p.m. on Monday, July 21, 2003. The Proclamation of June 27, 2003 is incorporated herein by reference.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation extended the Legislature in Special Session at the Capitol, this 16th day of July, 2003.

Jeb Bush
 GOVERNOR



ATTEST:
 Glenda E. Hood
 SECRETARY OF STATE

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILLS 2003 REGULAR SESSION

The Honorable Glenda E. Hood Secretary of State July 15, 2003

Dear Secretary Hood:

Senate Bill 140 addresses the acquisition of a water and wastewater utility by two or more local governments incorporated as a separate legal entity serving populations outside of the jurisdiction of the founding member governments.

The sponsor of this legislation has made a good faith attempt to address the issue of regulating and providing local control of interlocal govern-

mental purchases of water and wastewater facilities. Clearly, the legislation is well intended. However, the bill goes beyond what is necessary to achieve this goal. As well, it creates significant regulatory uncertainty in the future.

First, it is reasonable for host governments to be concerned by the lack of accountability of intergovernmental activities in providing utility services. In this regard though, the bill allows the host government to have incredible control over water and wastewater facilities in their area. Under this legislation, the host government would have rate setting ability, approval of sale and price, and regulatory jurisdiction over this entity. Unfortunately, this authority allows the host government with the ability, whether intentional or not, to lower the value of the facility prior to purchase.

The Public Service Commission (PSC) currently has the jurisdiction and authority to determine if these transactions are in the public interest. Just as they regulate the purchase of a Florida facility by an out-of-state purchaser, so the PSC has the ability to regulate the purchase by an in-state interlocal entity. This ability was affirmed in a recent court hearing.

Second, there are property rights concerns in the bill. The bill may jeopardize private property rights by imposing a less than adequate acquisition price and by conferring the right to acquire utilities from intergovernmental entities on host governments. Regulation is necessary in these matters to provide necessary safeguards and protections for consumers, but this bill has far reaching implications beyond the negation of one intergovernmental transaction.

I share the concerns of the sponsor of the legislation. In general, I am troubled by the tax-exempt status of an interlocal governmental entity being used to compete with the private sector, since they do not enjoy the same tax advantage. Government's role should be limited; extra jurisdictional purchases are contrary to this principle.

Florida must have a comprehensive approach in order to provide for future water needs. Over the coming months, I plan to work with the sponsor of this bill, members of the PSC, the Secretary of the Department of Environmental Protection, the Secretary of the Department of Community Affairs, local governments, and other stakeholders to advance a comprehensive strategy for the regulation of an invaluable, limited resource.

For these reasons, I do hereby veto Senate Bill 140.

Sincerely,
 Jeb Bush, Governor

The Honorable Glenda E. Hood
 Secretary of State

July 14, 2003

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of Senate Bill 2042, enacted during the 35th Session of the Legislature of Florida convened under the Constitution of 1968.

While I appreciate and support efforts by the Legislature to honor the late Senator George Kirkpatrick, establishing a state reserve around Rodman Reservoir undermines efforts to restore a more natural flow of water to the Ocklawaha River—once considered one of America's most beautiful and pristine waterways.

In 2000, I endorsed a plan to partially restore the Ocklawaha River. I remain steadfast in that commitment.

Background

The proposed state reserve encompasses 28,000 acres of state and federal land, including Kirkpatrick Dam and Rodman Reservoir. Under a lease from the Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection's Office of Greenways and Trails manages the area as part of the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area.

The federal government, specifically the United States Forest Service, owns approximately one-third of the land beneath the Kirkpatrick Dam and about 550 acres of land under the 9,600-acre Rodman Reservoir.

The Kirkpatrick Dam, formerly known as the Rodman Dam, was built by the Army Corps of Engineers as part of a comprehensive plan to construct the Cross Florida Barge Canal, a man-made waterway designed to cut across the state's peninsula and link the Atlantic Ocean with the Gulf of Mexico. Completed in 1968, the dam blocked a 16-mile stretch of the Ocklawaha River—flooding 7,500 acres of forest and land and creating the Rodman Reservoir in the process. Three years later, President Richard Nixon halted the project, and in 1990, President George Bush de-authorized construction of the canal.

The following year Florida designated a 110-mile corridor within the defunct barge project for conservation and recreation. The Legislature required a management plan for the newly created Cross Florida Greenway that included final disposition for the canal works at Rodman Reservoir.

In 1992, the Governor and Cabinet approved a management plan to partially restore the Ocklawaha. The Legislature adopted the management plan, but required additional study of three other proposed options—total retention of the reservoir, total restoration of the Ocklawaha and partial retention of the reservoir. In 1995, the complete study echoed the earlier recommendation of partial restoration.

In 2000, I directed the Department to proceed with partial restoration. Applications for necessary state and federal permits were filed and remain pending.

Last year, Florida did not renew a special use permit with the United States Forest Service for use of the national forest lands that include portions of Kirkpatrick Dam, Rodman Reservoir and Eureka Lock and Dam. Under the terms of the permit, Florida was required to complete partial restoration of the Ocklawaha River by 2006.

Benefits of Restoration

Breaching the dam and releasing the water will reestablish the meandering route of the river, which gives rise to as many as 20 freshwater springs in the region. Restoration may bring back as many as 13 species of fish that once called the river home. Manatees will once again have unrestricted access to warm water springs. The banks of the Ocklawaha River will provide miles of habitat for the wildlife, such as the endangered Florida Black Bear.

A free flowing river will continue to provide recreational opportunities, including fishing and paddling, that are critical to tourism and the local economy.

Honoring a Great Public Servant

To honor Senator Kirkpatrick, the Department of Environmental Protection obtained approval from the Florida Historical Commission to name the Rodman Reservoir recreational area in Putnam County as the George Kirkpatrick State Reserve. The dam at the reservoir was named in honor of Senator Kirkpatrick in 2001. He served the people of Central Florida in the Legislature for two decades and establishing the George Kirkpatrick State Reserve would be a tribute to his life, his achievements and his memory.

I understand that Senator Kirkpatrick's family would prefer that renaming the Rodman Reservoir recreational area as the George Kirkpatrick State Reserve be accomplished through the Florida Senate. I want to assure the Kirkpatrick family that, at their request, renaming the reserve through the Florida Historical Commission remains a viable option.

Sincerely,
Jeb Bush, Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of July 11 was corrected and approved.

ADJOURNMENT

The Senate did not reconvene so the Special Session adjourned sine die at 7:00 p.m., Monday, July 21.